



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,916	10/31/2003	David S. Benco	LUTZ 2 00252	2996

7590 02/07/2006

Richard J. Minnich, Esq.
Fay, Sharpe, Fagan, Minnich & McKee, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2688

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,916	Applicant(s) BENCO ET AL.	
	Examiner Sharad Rampuria	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

37

DETAILED ACTION

- I. The current office-action is in response to the application filed on 10/31/03.

Accordingly, Claims 1-33 are pending for further examination as follows:

Oath/Declaration

- II. The office acknowledges receipt of a properly signed oath/declaration filed on 2/12/04.

Information Disclosure Statement

- III. The Information Disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Drawings

- IV. The receipt of drawings filed on 2/12/04 is accepted by examiner.

Claim Rejections - 35 USC § 102

- V. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2688

VI. Claims 1-3, 5-7 & 10-11 are rejected under 35 U.S.C. 102 (b) as being anticipated by Lazaridis et al. [US 6389457]

As per claim 1, Lazaridis teaches:

A system providing reminders and alerting to mobile station subscribers for selected events (i.e. a system and method for pushing information from a host system to a mobile data communication device upon sensing a triggering event is disclosed; Abstract), the system comprising:

A subscriber database having stored therein subscriber information, event data, event occurrence data, and alert time data; (i.e. User-selected data items preferably include E-mail messages, calendar events, meeting notifications, address entries, journal entries, personal alerts, alarms, warnings, stock quotes, news bulletins, etc., but could, alternatively, include any other type of message that is transmitted to the host system 10, or that the host system 10 acquires through the use of intelligent agents, such as data that is received after the host system 10 initiates a search of a database or a website or a bulletin board; 10; Fig.1, Col.6; 63-Col.7; 13)

An event input module operative to receive the event data, the occurrence data and the alert time data from a mobile station and store the event data, the event occurrence data, and the alert data in the subscriber database; (i.e. User-selected data items preferably include E-mail messages, calendar events, meeting notifications, address entries, journal entries, personal alerts, alarms, warnings, stock quotes, news bulletins, etc., but could, alternatively, include any other type of message that is transmitted to the host system 10, or that the host system 10 acquires

Art Unit: 2688

through the use of intelligent agents, such as data that is received after the host system 10 initiates a search of a database or a website or a bulletin board; 10; Fig.1, Col.6; 63-Col.7; 13)

An event monitoring module operative to monitor the event data, the event occurrence data and the alert time data stored in the subscriber database; (i.e. the redirector program 12 to push certain user-selected data items to the user's mobile data communication device 24 when the redirector 12 detects that a particular user-defined event trigger (or trigger point) has taken place; 12; Fig.1, Col.6; 63-Col.7; 13) and,

An event notification module operative to provide a network initiated call to the mobile station based on monitoring by the event-monitoring module. (i.e. the redirector program 12 to push certain user-selected data items to the user's mobile data communication device 24 when the redirector 12 detects that a particular user-defined event trigger (or trigger point) has taken place; 12; Fig.1, Col.6; 63-Col.7; 13)

As per claim 2, Lazaridis teaches:

The system as set forth in claim 1 wherein the event data comprises one of audio data and text data corresponding to a description of an event. (i.e. By way of example, consider an E-mail sent to a user that includes three attachments--a word processing document, a video clip and an audio clip. The redirection program could be configured to send the text of the E-mail to the remote device, to send the word processing document to a networked printer located near the user, to send the video clip to a store accessible through a secure connection through the internet and to send the audio clip to the user's voice mail system; Col.6; 27-35)

As per claim 3, Lazaridis teaches:

The system as set forth in claim 2 wherein the event is a recurring event. (Col.6; 63-Col.7; 13)

As per claim 5, Lazaridis teaches:

The system as set forth in claim 1 wherein the event occurrence data comprises text data. (i.e. By way of example, consider an E-mail sent to a user that includes three attachments--a word processing document, a video clip and an audio clip. The redirection program could be configured to send the text of the E-mail to the remote device, to send the word processing document to a networked printer located near the user, to send the video clip to a store accessible through a secure connection through the internet and to send the audio clip to the user's voice mail system; Col.6; 27-35)

As per claim 6, Lazaridis teaches:

The system as set forth in claim 1 wherein the subscriber database further includes alert preference data corresponding to a subscriber preference on a form of alert. (Col.6; 63-Col.7; 13)

As per claim 7, Lazaridis teaches:

The system as set forth in claim 6 wherein the alert preference data comprises one of text data and voice data. (i.e. By way of example, consider an E-mail sent to a user that includes three attachments--a word processing document, a video clip and an audio clip. The redirection

Art Unit: 2688

program could be configured to send the text of the E-mail to the remote device, to send the word processing document to a networked printer located near the user, to send the video clip to a store accessible through a secure connection through the internet and to send the audio clip to the user's voice mail system; Col.6; 27-35)

As per claim 10, Lazaridis teaches:

The system as set forth in claim 1 wherein the network initiated call comprises an announcement. (Col.6; 63-Col.7; 13)

As per claim 11, Lazaridis teaches:

The system as set forth in claim 1 wherein the network initiated call comprises text data. (i.e. By way of example, consider an E-mail sent to a user that includes three attachments--a word processing document, a video clip and an audio clip. The redirection program could be configured to send the text of the E-mail to the remote device, to send the word processing document to a networked printer located near the user, to send the video clip to a store accessible through a secure connection through the internet and to send the audio clip to the user's voice mail system; Col.6; 27-35)

Claim Rejections - 35 USC § 103

VII. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2688

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

VIII. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Buhrmann et al. [US 5903845].

As per claim 4, Lazaridis teaches all the particulars of the claim except the event occurrence data comprises data on a time and date of an event. However, Buhrmann teaches in an analogous art, that the system as set forth in claim 1 wherein the event occurrence data comprises data on a time and date of an event. (Col.6; 8-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Lazaridis including the event occurrence data comprises data on a time and date of an event in order to provide a personal information manager for updating a telecommunication subscriber profile based on information entered into the personal information manager.

Art Unit: 2688

IX. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Buhrmann as applied to claims above and further in view of Cloutier [US 6459913].

As per claim 8, the above combinations teach all the particulars of the claim except the event input module is further operative to translate voice data to text data. However, Cloutier teaches in an analogous art, that the system as set forth in claim 1 wherein the event input module is further operative to translate voice data to text data. (Col.9; 12-24) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Lazaridis and Buhrmann including the event input module is further operative to translate voice data to text data in order to provide a method of unified alerting device perform various conversions such as voice-to-text and text-to-voice or information extracted for their summaries so that messages received via text may be converted to voice and voice communication converted to text and the subscriber may converse with another party regardless of the capabilities of the device used.

As per claim 9, the above combinations teach all the particulars of the claim except the event input module is further operative to translate text data to voice data. However, Cloutier teaches in an analogous art, that the system as set forth in claim 1 wherein the event input module is further operative to translate text data to voice data. (Col.9; 12-24)

X. *Claims 12-22* are the method claim corresponding to system claims 1-11 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-11

Art Unit: 2688

respectively, above. And *Claims 23-33* are the system claim corresponding to system claims 1-11 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1-11 respectively, above


Conclusion

XI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2688


GEORGE ENG
SUPERVISORY PATENT EXAMINER